

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STONCOR GROUP, INC., et ano.,

Plaintiffs,

-against-

16-cv-4574 (LAK)

PEERLESS INSURANCE COMPANY,

Defendant.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

Defendant's motion, as amended, to dismiss the amended complaint (Dkts 108, 111) is granted to the extent that the first cause of action is dismissed and denied in all other respects, and plaintiffs' request for leave to amend is denied, all substantially for the reasons set forth in the Report and Recommendation of Magistrate Judge Gabriel W. Gorenstein. Defendant's objections are overruled. While defendant claims that plaintiff Stoncor Group's remaining cause of action for breach of contract also should be dismissed because it has conceded that it has not suffered any damages, it cites no authority for that proposition. The amended complaint alleges that both plaintiffs sustained damages. Accordingly, there is no basis before the Court on which to sustain defendant's objection.

SO ORDERED.

Dated: June 23, 2021



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Lewis A. Kaplan  
United States District Judge

